

REMARKS

Claims 1-8, 11, 12, 14, 21 and 25-27 are pending in the application. Other previously pending claims have been or are hereby canceled, without prejudice.

Claim rejections under 35 U.S.C. §103 and Allowable Subject Matter

The withdrawal of the prior objections and §112 and art-based rejections is gratefully acknowledged. The maintenance of the provisional double patenting rejections and the new art-based rejections are noted.

The indication that none of the prior art of record appears to teach, suggest or render obvious the invention described wherein the protective composite comprises a gradual transition between the first and second materials, and accordingly of the potential allowability of claim 17, is gratefully acknowledged. Without addressing the merits of the new rejections at present, the claims have been amended to place the claims indicated allowable on this basis in condition for allowance in order to expedite the issuance of a patent for the subject matter currently indicated allowable.

The indication that the elected species of the first material, the composite reaction product of lithium metal with Cu_3N , is neither taught nor reasonably suggested by the prior art of record, and accordingly of the potential allowability of claim 21, is also gratefully acknowledged. This subject matter has also been allowed in parent application 10/686,189. Claims directed to this subject matter in particular are pending in that parent application and are therefore not pursued further in this prosecution.

Accordingly, the pending claims are respectfully submitted to be allowable over the cited art.

Double Patenting

Several pending claims were again provisionally rejected under 35 U.S.C. 101 as claiming the same invention as that of claims of copending parent Application No. 10/686,189. It is submitted that the present amendments to the claims pending in this application, together with amendments made in the cited application obviate this provisional statutory double patenting rejection since the claims in the two applications are no longer of the same scope.

The maintenance of the provisional obviousness-type double patenting rejections also in view of claims in the parent application 10/686,189 is noted. It is respectfully submitted that amendments to the claims of both applications render the claims patentably distinct. For example, the present claims now recite that the claimed protective composite comprises a gradual transition between the first and second materials. The claims of the parent application 10/686,189 do not contain such a recitation.

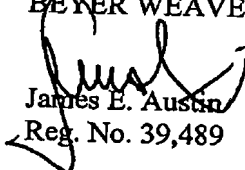
Accordingly, withdrawal of the double patenting rejections is respectfully requested.

Should this obviousness-type double patenting rejection ultimately be maintained, or should the obviousness-type double patenting rejection over copending child application 10/772,228 be reasserted, Applicants propose to file Terminal Disclaimers in one or more of the later filed applications, as appropriate, in order to obviate any such obviousness-type double patenting issues prior to the conclusion of prosecution.

Conclusion

Applicants believe that all pending claims are allowable and respectfully request a Notice of Allowance for this application from the Examiner. Should the Examiner believe that a telephone conference would expedite the prosecution of this application, the undersigned can be reached at the telephone number set out below. If any additional fees not submitted with this filing are due, the Commissioner is hereby authorized to charge such fees to Deposit Account 500388 (Order No. PLUSP027X1).

Respectfully submitted,
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